

COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA

Kelly Dwayne Brown v. State

No. 06-18-00151-CR · No. No. 06-18-00151-CR · Decided February 5, 2019

SUMMARY

The Texas Court of Appeals for the Sixth District at Texarkana ordered volume four of the reporter’s record sealed because it contained a social security number constituting sensitive data under Texas Rule of Appellate Procedure 9.10. The order was issued in the criminal appeal of Kelly Dwayne Brown from Marion County.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Per Curiam; Morriss, C.J.; Burgess, J.; Stevens, J.
JURISDICTION	Texas
DECIDED	February 5, 2019
DOCKET	No. 06-18-00151-CR
DISPOSITION	other
PROCEDURAL POSTURE	On appeal from the 276th District Court of Marion County, Texas, the court reviewed the reporter's record and entered a sua sponte order concerning sensitive data.
STANDARD OF REVIEW	Not applicable; the order addresses protection of sensitive data in the appellate record.
PRECEDENTIAL VALUE	Published
PARTIES	Kelly Dwayne Brown v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure
- court records and confidentiality

QUESTIONS PRESENTED

1. Whether volume four of the court reporter's record, which contains a social security number, should be sealed under Texas Rule of Appellate Procedure 9.10(g).

HOLDINGS

1. Because volume four of the reporter's record contains sensitive data, the court ordered the clerk or her appointee to seal the electronically filed volume four of the reporter's record.

KEY QUOTATIONS

“Unless a court orders otherwise, an electronic or paper filing with the court, including the contents of any appendices, must not contain sensitive data.”

“A court may also order that a document be filed under seal in paper form or electronic form, without redaction.”

FACTUAL BACKGROUND

The court reporter's record contained sensitive data as defined by Texas Rule of Appellate Procedure 9.10(a). Specifically, volume four contained a social security number.

PROCEDURAL HISTORY

The case was pending on appeal from the 276th District Court of Marion County, Texas, trial court cause number F14348. During review of the court reporter's record, the Court of Appeals determined that volume four contained a social security number and ordered that volume sealed.

DISPOSITION

other

OPINION

PER CURIAM.

In The Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-18-00151-CR KELLY DWAYNE BROWN, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 276th District Court Marion County, Texas Trial Court No. F14348 Before Morriss, C.J., Burgess and Stevens, JJ. ORDER Our review of the court reporter's record in this case indicates that it contains “sensitive data” as that phrase is defined in Rule 9.10 of the Texas Rules of Appellate Procedure.

See TEX. R. APP. P. 9.10(a). Sensitive data includes “a driver's license number, passport number, social security number, tax identification number or similar government-issued personal identification number.” TEX. R. APP. P. 9.10(a)(1). Volume four of the reporter's record includes a social security number. Rule 9.10(b) states, “Unless a court orders otherwise, an electronic or

paper filing with the court, including the contents of any appendices, must not contain sensitive data.” TEX. R. APP.

P. 9.10(b). Rule 9.10(g) provides, “A court may also order that a document be filed under seal in paper form or electronic form, without redaction.” TEX. R. APP. P. 9.10(g). Therefore, because volume four of the reporter’s record contains sensitive data, we order the clerk of this Court or her appointee, in accordance with Rule 9.10(g), to seal the electronically filed volume four of the reporter’s record in this case.

IT IS SO ORDERED. BY THE COURT Date: February 5, 2019 2